

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ERIKA ROBLES, Individually and
as Parent and Next Best Friend of
DEREK ROBLES, a Minor,**

Plaintiff,

v.

CIV 08-0697 BB/LAM

THE UNITED STATES OF AMERICA,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Lourdes A. Martínez' Proposed Findings and Recommended Disposition (*Doc. 23*) (hereinafter, "PF&RD"), filed on February 11, 2009. The parties to this case have waived their right to file objections to the PF&RD pursuant to 28 U.S.C. § 636(b)(1). *See Clerk's Minutes* (*Doc. 20*), filed on February 5, 2009. The Court has reviewed the PF&RD, the record of this case and relevant law and determined that it will adopt the PF&RD; grant Plaintiff's Petition to Approve Settlement of a Minor (*Doc. 11*); approve the settlement for the benefit of minor child D.R. and the method of distributing the settlement proceeds to said minor child described in the Amended Guardian Ad Litem Report (*Doc. 22*) and in the PF&RD; and approve as fair and reasonable the guardian *ad litem*'s fees and costs of \$1,500.00 described in her Amended Guardian Ad Litem Report (*Doc. 22*) and order Plaintiff's counsel to pay such fees and costs from the gross settlement proceeds as set forth as set forth herein.

IT IS THEREFORE ORDERED THAT:

1. The Proposed Findings and Recommended Disposition (*Doc. 23*) are **ADOPTED** by the Court;
2. Plaintiff's Petition to Approve Settlement of a Minor (*Doc. 11*) is **GRANTED**;
3. The settlement for the benefit of minor child D.R. and the method of distributing the settlement proceeds to said minor child described in the Amended Guardian Ad Litem Report (*Doc. 22*) and the PF&RD are **APPROVED**;
4. The guardian *ad litem's* fees and costs of \$1,500.00 described in her Amended Guardian Ad Litem Report (*Doc. 22*) are **APPROVED** as fair and reasonable, and Plaintiff's counsel shall pay such fees and costs from the gross settlement proceeds within twenty (20) days after his receipt of the gross settlement proceeds; and
5. Upon entry of this order, Kathleen M.V. Oakey's appointment as guardian ad litem in this case shall cease and she shall have no further or continuing duties to the Court or the parties pursuant to such appointment.

IT IS SO ORDERED.



BRUCE BLACK
UNITED STATES DISTRICT JUDGE